

Bartus, Dave

From: Gruber, Kerry (ECY) [KGRA461@ECY.WA.GOV]
Sent: Friday, November 22, 2013 11:07 AM
To: Lowe, Steven (ECY); Bartus, Dave
Cc: Skinnarland, Ron (ECY); Singleton, Deborah (ECY)
Subject: RE: Question re. Permitting of Areas Used for Temporary Waste Placement

Hi Steve and Dave.

Discussions between EPA and Ecology were extensive about these outdoor units and their regulatory status.

EPA's CAFO and the settlement required all of the "illegal" units to be permitted via permit modification. This is a good thing, because you can only incorporate these as staging areas or load/unload pads in a final permit. Otherwise they would have to close and not be used.

If these areas are substandard for containment, sloping, control of run-on and run-off, and all that engineering design stuff then a schedule for retrofitting and upgrading is called for and required. Time limits for the residence of containers would also be a necessary condition in the permit for staging or load/unload pads. These areas should not contain waste longer than 24 hours without being permitted as a storage unit.

We've talked extensively in the past about what are the appropriate standards for staging and load/unload pads. Asphalt is not adequate for containers that have not been confirmed by WAP to be solid only. Berms and sloping to contain liquids would be required.

I will defer to Dave, but I thought EPA was very clear that if the containers were not verified to be solid only with a rigorous protocol, any area to be used for staging would need to conform to containment standards. We talked a good deal about this in relation to the NDE area that receives containers to be scanned.

So the designation of certain areas as staging or load/unload is appropriate for a Part A that is part of a permit modification application for the adoption into the permit. It would not be appropriate if we were back to receiving Part A's for "operating under interim status."

I look forward to seeing Dave's response. Kerry

From: Lowe, Steven (ECY)
Sent: Friday, November 22, 2013 8:00 AM
To: Gruber, Kerry (ECY); 'Dave Bartus' (bartus.dave@epa.gov)
Cc: Skinnarland, Ron (ECY); Singleton, Deborah (ECY)
Subject: Question re. Permitting of Areas Used for Temporary Waste Placement
Importance: High

Kerry and Dave,

I'm looking for a "company position" from both of you please.

We are reviewing the revised Part A forms for the SWOC facilities that were submitted with the EPA CAFO closure plans. In going over comments with DOE and their contractor yesterday, a question came up regarding the permitting of areas used for the temporary placement of waste. For the SWOC facilities, these areas are all outside and include uncovered

asphalt areas used for loading and unloading waste, and for setting waste containers which are waiting to be processed or simply need to be out of the way while performing other operations. Some of these areas are NOT contiguous to a waste management unit. The revised SWOC Part A forms now show these areas as permitted container storage areas (S01 process code). My objection is that implies the waste may be there longer than just temporarily and opens the door for long-term outdoor storage of containers whose contents may be uncertain (particularly in light of the unexpected drum leaks on 11/14 and 11/22). DOE insists they received verbal guidance from EPA Legal to the effect that they were told these were considered to be container storage areas. As this was undocumented, my management in all their wisdom(?) tasked me with trying to substantiate it.

The updated Ecology Publication 95-402 (dated October 2013) on preparing permit applications seems to refer to these as "staging areas" and distinct from "storage areas". You can see the excerpts I've attached below. I happen to prefer the staging areas term and its connotation, but it doesn't appear to be captured in the regs anywhere.

So given all that, do we have a position on the use of these areas and how they should be permitted? Are these indeed container storage areas? If so, it would seem to behoove us to establish limits on their design and use by way of permit conditions. Perhaps these conditions could take the form of providing secondary containment, a 24 hr time limit or to the end of the shift or even always having someone be present, and daily inspections when in use. Whatever is acceptable to HWTR and EPA I'm happy to go with.

Thank you very much,

Steve Lowe, PE
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Ecology Publication 95-402

Section D2.2

Traffic flow and staging areas

Describe equipment, procedures, and routes for transferring containers to and between storage units and for moving and managing waste containers within units. Also describe areas used to prepare containers for placement into storage or into a treatment or recycling process (sometimes called staging areas).

[Note: staging areas must be designed and maintained to the same standards as storage areas.]

Capacity

Provide the maximum number, volume (i.e., capacity), and stacking height of containers for each area in which containers are stored or staged and indicate the volume of the largest container that will be held in the area. For staging areas, describe time limits (usually, no more than 24 hours) for holding containers in the area. Provide a diagram (or diagrams) or description showing the stacking pattern(s) for containers, including the stacking arrangements for the various sizes of containers and types of dangerous wastes that will be stored in the container storage area(s).

Section D2.4.2

Provide design and profile drawings of the existing and/or planned container storage and **staging area(s)**, showing the secondary containment system(s). Include design parameters, dimensions, and materials of construction.

Section F2.1

Areas subject to spills such as load/unloading areas, transferring area, **staging areas**, storage areas, processing areas and treatment areas must be inspected daily when in use.